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## Senate

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God of light, You are our guide. Thank You for Your gentle leading. You are a mystery but not a puzzle; profound but not incomprehensible; loving but not passive; patient and longsuffering but not weak and indecisive.

Lead our lawmakers today with Your wisdom. Show them how to use their talents and abilities for Your glory. Give them patience to wait on the unfolding of Your loving providence. Remind them that the hearts of world leaders are in Your Hands and that You direct the course of human history.

Help each of us to pursue Your friendship and to embrace Your love.

We pray in Your wonderful Name. Amen.

### PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.

### RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

### RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

### SCHEDULE

Mr. McCONNELL. Mr. President, today, the Senate will conduct a period

of morning business. Last night, we were able to reach a time agreement on the Oman free trade bill, and Senators are encouraged to use that time this morning and then on Monday. We will have 30 minutes of debate on the trade bill remaining for Tuesday's session, and Senators should expect a vote on passage before the policy luncheons on Tuesday. That will be the first vote of the week. We are also attempting to clear some nominations and treaties for today, and we hope to have an agreement on those for later this morning.

### EFFECTIVE TOOLS TO FIGHT TERRORISM

Mr. McCONNELL. Mr. President, I want to make a few observations about the war on terror, which certainly is an issue that has been front and center in the Senate and over in the House during the last few weeks.

There are really two issues. The first is, what are the tools the President needs to continue to effectively defend America?

We know that since 9/11 there have been no successful attacks on our country. We know before 9/11 they were at war with us. They tried to blow up the World Trade Center. They blew up our Embassies in East Africa. They blew up the USS *Cole* and killed 17 sailors. They were at war with us, but we were not yet at war with them.

Since we have been at war with them, we have not had a successful attack at home. Obviously, we are doing something very skillfully and very correctly. A part of that is the effective interrogation of terrorists and the effective surveillance of terrorists. Both effective interrogation and effective surveillance of terrorists prevent terror attacks and save lives. That has happened over the last 5 years.

Why does the President need these specific tools? Why does he need the bill he proposed? Intelligence leaders

have said, as recently as yesterday, that we will have to shut down a demonstrably effective program without these tools. We will lose the intelligence and the security the intelligence provides.

So what is next for us in debating these important issues to help protect Americans at home? Only one side of the argument has been prevalent in the last day or so. We will have an opportunity to fully define the two issues to which I referred. A floor debate will highlight important bright-line issues.

For example, do we provide sensitive classified information to terrorists? There has actually been the suggestion that somehow a fundamental sense of fairness would require that we hand classified information over to terrorist defendants. That will be one of the big issues confronting us in the Senate.

Do we shut down an intelligence program that we know—it's not in dispute—that we know has saved lives and protected Americans? Do we want our troops exposed to the vagaries and whims of international courts?

What about this idea that we should not define Common article 3 in the United States? Well, Common article 3 is going to be defined. We know that. The only issue is, who will define it? European courts are now defining it. Maybe the U.S. Congress and the U.S. courts ought to be the final word on defining Common article 3. So, as I said, the question is really not whether Common article 3 is going to be defined—it is going to be—but, rather, who will be defining that article.

Common article 3 was written back in 1949, almost 60 years ago. Some of its terms—like prohibiting “outrages upon personal dignity”—are inherently vague. As a result, foreign courts have been filling the void and doing that interpretation.

To give you an example, the European Court of Human Rights has declared as follows: merely having to wait on death row is “inhuman or degrading treatment of punishment.”

● This “bullet” symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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